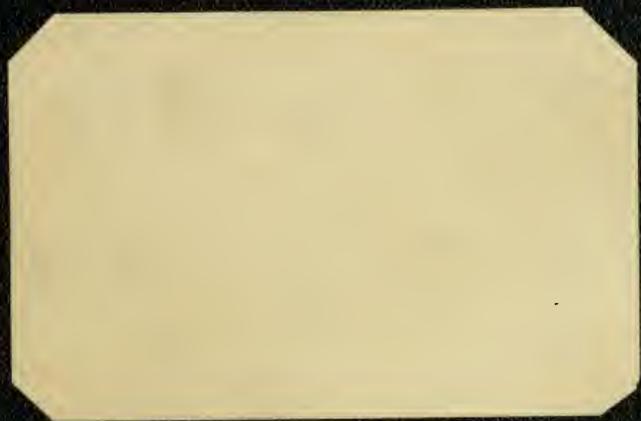


E

480

M86





Class E 480

Book .M 86



Morrill

SPEECH

OF

HON. L. M. MORRILL,

OF MAINE,

ON THE

CONFISCATION OF PROPERTY.

DELIVERED IN THE SENATE OF THE UNITED STATES, MARCH 5, 1862.

The Senate having resumed the consideration of the bill to confiscate the property and free the slaves of rebels, Mr. MORRILL said:

MR. PRESIDENT: The great measure before us—and none greater has ever been before the Senate—has been characterized in this debate in earnest, eloquent, indignant, and I think I am authorized to say, satirical speech, as extraordinary, unconstitutional, oppressive, and inexpedient. When I freely confess to its opponents that it does not belong to the class of ordinary legislation, I concede no more than must be confessed of much that has been done on behalf of the nation, here and elsewhere, by the national Legislature and by the Federal Executive since our troubles began.

Sir, it were better that that man had not been born who shrinks from taking the responsibility when a distracted and bleeding country requires in its public servants, "the dauntless spirit of resloution." As to the rest: the Constitution, I conceive, is the strength and shield of the nation in its hour of peril, and must not be construed so as fatally to hamper honest endeavor in its behalf. Clemency on the lips of an American Senator to the malignant enemy of the Republic is cruelty to its friends; and that is expedient which is demanded for the present safety and future security of free institutions. I premise this much as the stand-point of the debate, and in this spirit I approach its general topics.

The bill under consideration contemplates the exercise of the extreme legislative power of the nation for purposes of self-preservation and for the chastisement and overthrow of its domestic enemies. The primary object of the bill, as I read it, in its general scope and bearing—I do not speak of its details—is the suppression of rebellion. It apparently

E480
M26

proceeds upon the assumption that the insurrection is incited by a faction in the slave States, holders of the vast proportion of the property and slaves in those States; that this property and these slaves constitute the incentive and form the material base of the rebellion; and that, therefore, it becomes the right and duty of the nation, from the height of its extreme authority, to award the penalty of condemnation of estate and forfeiture of control over persons to those who thus conspire against the Government and make war on its authority.

But, sir, at the threshold of this measure, as, indeed, at the outset of every effort on the part of the friends of the Government to defend it against the machinations of conspirators and to put down this most impious rebellion, we are met with a flat denial of adequate constitutional authority.

The nation is involved in the perils of civil war, demanding the instant and decisive exercise of its utmost powers and combined energies, and yet it is painfully obvious that there exists the most embarrassing contrariety of opinions as to the constitutional powers of Congress, and the policy demanded by the public emergency. Under these circumstances, it is a matter of the first importance to ascertain the extent of the authority, where it is lodged, and upon whom the responsibility for its exercise is to rest. The powers and duties we shall assign to the Government will depend, I think, upon what shall be determined to be the actual condition of the nation—whether that of peace or war.

Plainly enough, the general and ordinary powers of the Government, under the Constitution, are applicable to the nation in a state of peace; and yet as clearly the Constitution contemplates the exercise of powers and the performance of duties peculiar to a state of war. Is the nation in that condition which devolves upon the Government the exercise of power common to a state of general hostilities? "Constitutionally speaking," to use the phrase in vogue here, is the nation in a state of war; and if so, what are its powers, under the Constitution, and to what extent do the public perils render the exercise of those powers necessary and expedient? The power of the Government over its domestic enemies, the necessity and expediency of its exercise, are the topics to which I invite attention. First, is the nation, for purposes offensive and defensive, for all questions of its authority, to be regarded in a *state of war*?

It should be observed that the Government has made no formal declaration of war, and that the conflict is between the established Government and members of the same Government. But it will not be questioned that a state of war may exist between the Government and a portion of the people, and that no formal declaration is necessary to legalize it.

hostilities. That a general state of hostilities exists, need not now be argued, and will not be questioned. That the nation has passed through the period of hesitation between peace and war, conciliation and authority, compromise and coercion, is equally clear. As to the policy of *war* as the only solution of the national troubles, the necessity of a contest of arms to repel insults, redress injuries, and to establish absolutely and forever the supremacy of the national Government over its domestic enemies, all truly loyal men everywhere, are now happily agreed. And, sir, this condition of the nation is not, and from the beginning of the conflict through all its successive stages of threat and menace to open and armed assault upon its authority, has not been optional and voluntary on our part; but throughout, the stern alternative has been constantly presented to the Government of abject submission to the impious designs of a malignant faction, or the manly and patriotic vindication of its integrity.

While, sir, in the impartial performance of its duties to all parties, and to all parts of the Union, the *authority* of the Government was set at defiance throughout a large portion of its territory; its functions as a Government *derided*; its forts, arsenals, custom-houses, navy-yards, ships of war, and public property—the substantive tokens of its national supremacy—captured as prizes of war, and employed to disturb that tranquility they were designed to insure; the public press silenced; citizens of the United States guilty of no offense, and suspected of none save of loyalty to the Union, imprisoned or driven from their homes; disclosing, at length, a bold and wicked conspiracy, embracing entire communities, and extending to and combining in its plans and purposes several States, having a military organization which put these States on a war footing in times of peace, and which brought into the field at an early day an army whose rank and file were numbered by hundreds of thousands, animated by the audacious *assurance* of a speedy advance upon the national capital, and ravening for the plunder of northern cities.

The conspirators, at first but a handful of men in the extreme South, in a few localities, artfully fomenting discontent, spread the sedition to other communities, until they came to control the action of several States. Emboldened by success in these States, and maddened by recent popular demonstrations against their mad schemes, they at length made open war on the jurisdiction of the United States, and opened a deadly cannonade upon a fort held by a handful of men, simply as custodians of the Federal authority.

Sir, the nation could not misunderstand this *unprovoked*, *murderous*, and *cowardly* assault. Long-standing conspiracy against the Government having passed through the successive

stages of sedition and insurrection, now broke into open rebellion, declaring at the cannon's mouth its purpose to overthrow republican institutions, and to erect on the ruins of the Republic an oligarchy, hostile to Liberty and inimical to the civilization of a Christian age.

The Government, at length comprehending its danger and the designs for its subversion, proclaimed its purposes of defense. At the national summons, more than half a million of patriot men, hundreds of thousands more than the estimated need, heroically volunteered, and now, at the end of a few short months, stand in serried ranks, country-loving, God-fearing, bold, defiant men, a numerous and resistless host, impatiently demanding to be shown the enemy of our peace.

The nation, sir, it may be assumed, is in a *state of war*—involuntary war on its part, insurrectionary, causeless, rebellious war on the part of its domestic enemies. And it matters not that it is not purely public war—conflict between two or more nations; civil conflict is as positively and unqualifiedly war, and has its laws as well defined as conflict between two nations. It surely, Mr. President, is not a state of *partial* hostilities, combining a few persons, invading a few places, and extending to and involving minor interests. Literally, the country is a camp and the nation an army. The war reaches to the confines of the Republic; levies its contributions on loyal men by millions of dollars each day; has daily sacrifices in the camp and on the field of scores of heroic men; and accepts its recruits from every city, town, and hamlet in the land.

Sir, let us not mistake. It is war in its most gigantic proportions—insurrectionary war upon the land, and piratical war upon the sea—not for redress of grievances, not to recover rights lost or impaired, not to escape from a heavy load of burdens no longer tolerable, but for objects and with motives and conduct which put the conspirators beyond the rights of civilized warfare, and which invest the nation with the high *prerogatives* of war, and forces upon the Government the exercise of its extreme power for self-defense. To balance longer on the condition of the nation or question its power will prove fatal. We should stand no longer on the hope of conciliation; we are fully committed to war as our *remedy*; a deadly conflict is upon the nation; begun, high advanced, wields a sword already red with its best blood, consumes its wealth, wastes its substance, the which if you do not bring to a speedy close, by bold, determined, successful battle, will degenerate into a remorseless national *broil*, adding to the horrors of general war the miseries of intestine disorder, gaunt famine, general demoralization and desolation, and which, if the nation do not triumph, by an *unconditional assertion and vindication of its*

absolute supremacy, will end in the extinction of all hope of popular government.

Our condition, sir, being that of civil war, I think it must be manifest that the nation possesses all the rights and powers necessary for self-preservation and for dealing with its enemies that are common to a nation in that situation. Clearly the Constitution contemplates the contingency when the Government may be required to draw the sword, both as against external and internal enemies, and wisely provides for such an event by the institution of an army and navy, and a system of militia; and in such contingency imposes no limitation on its power, but plainly designed that it should be left wholly unrestricted, to exercise all the powers and rights of a nation forced to take up arms for its defense.

While, under the Constitution, a State of peace is the normal condition of the nation, and while that instrument carefully defines and limits the powers of the Government and guards the rights of the States, leaving them free to pursue their internal affairs in their own way, a state of hostilities, of insurrectionary war, is *contemplated*; and in such an event the power of the Government over all its enemies, whether internal or external, is unlimited and unrestrained, and is controlled only by the law of nations. The nation may then deal with its enemies in any way its exigencies may require, not repugnant to the principles of public law.

Sir, the amplitude of the power of the nation was forecast in the significant phrase of the preamble to the Constitution, itself a compendium of the objects and duties of Government: "To form a more perfect union," "establish justice," "insure domestic tranquility," "provide for the common defense," "promote the general welfare," "*secure* the blessings of liberty." In its civil functions the Constitution provides for Government with limited power and duties, general in their character, and chiefly applicable to external affairs. Its war power is of the most absolute character; the right of making war, the expediency and necessity of an appeal to arms, are expressly given to the Federal Government, and the States are as expressly forbidden to exercise them. And, sir, the war power is not an incidental, but a substantive power, expressly conferred, and is that extreme power known to nations as the *ultima ratio*, at the declaration of which civil privileges are in abeyance and municipal laws silent. Strange delusion of the times, that it ever should have been doubted that the nation possessed the powers necessary for self-preservation?

The specific grants of power in the Constitution cover the whole subject of public hostilities, and every variety of national conflict; "may define and punish piracy on the high

seas;" "declare war;" "make rules for captures on land and water;" "raise and support armies;" "call forth the militia;" "to suppress insurrection or repel invasion."

I am aware, sir, that there are those who do not agree to this assumed power of the Federal Government, those who strangely insist that internal disorder, a state of general internal hostilities, is in "no constitutional sense war;" that the nation is fatally hampered by its organic law, and in such case can perform none of those acts of self-defence which are the essential characteristics of Government; that the Constitution at best provides for a sort of *quasi* Government in its relations to the States, and was purposely left without the power of enforcing obedience to its authority. In the language the late President, "the Federal Executive has no authority to decide what shall be the relations between the Federal Government and the States;" that "Congress possesses no authority, by force of arms, to compel a State to remain in the Union;" that "while Congress possesses many powers of preserving the Union by *conciliation*, the sword was not placed in their hands to preserve it by *force*."

Sir, the dark page of our history will be that which records these opinions, not as the delirium of mad ambition, not as the dreams of the human mind, but as the semi-authoritative utterances of the chief "public functionary" of the nation in the hour of its trial and peril. No public officer had ever before so sinned, so blundered. There had been great crimes and great criminals, from the days of the false prophets to Davis—crimes against country, society, humanity; traitors in our own times; rebels beside "fallen angels," and little inferior to the "angel of the bottomless pit;" but no such base compound of weakness and wickedness as is disclosed in this traitorous speech; himself in some large sense the State, its representative and chief, conceding to the enemies of its peace what makes his authority a sham, and degrades the majesty and grandeur of the commonwealth to the dead level of a commercial partnership.

Set, sir, as a sentinel to guard the approaches to the citadel, cognizant of the fact of a long-standing conspiracy for its assault, familiar with the infernal counsels that for four years had been plotting its overthrow in his very presence, he still hesitates, as if halting between abstract love of the mischief contemplated and self-will, absurdly denying the *right* of the conspirators to take his official life, and questioning his own "constitutional authority" to defend it, and at length compromising the whole matter by the sublime sophism that "Congress has many *powers* of preserving the Union by *conciliation*, none by *force*." The *height* of this argument will constitute the bad eminence of the public functionary, as through

all time it will carry the conviction, whenever repeated, of a resort to a pitiful subterfuge to avoid responsibility, when the peace and safety of his country demanded a brave and manly word from its executive chief. He has doubtless learned, ere this, that "to be weak is miserable, doing or suffering."

There seems, sir, some fatal delusion misleading the minds of those who thus reason and act. The history of the origin of the Constitution, as well as the progress of the nation under it, shows that its founders designed to provide for a government with the essential attributes of government for "domestic tranquillity," as well as for foreign relations. Until the sentiment of government, under the Constitution, sovereign and absolute within its sphere, shall take possession of the minds of the American people, there can be no Union perfected, no tranquillity secured, no civil liberty attained. As well expect the results of a superintending Providence from an atheistic pantheism, the harmony of the planets without the central power to control them in their orbits:

"The glorious planet, Sol,
In noble eminence enthroned, and shepherd
Amid the rest."

But, sir, let the nation rejoice that, with the close of the administration of the partisan President, the beguiled official, his political sophism lost its power, and that the whole breed of politicians who could insanely repeat disloyal sentiments while the country trembled on the brink of dissolution, is well nigh extinct in a large portion of the nation.

And, sir, here I regret to feel obliged to notice, in passing, that these sentiments and opinions are not yet considered wholly out of place in the Senate.

We were told the other day by the honorable Senator from Virginia, "that, constitutionally speaking, this is not a war in which we are engaged."

Pray, sir, what is a war, and what are its characteristics, and how shall it ever be known when a nation is at war? "War," says Mr. Jefferson, "is a conflict in which the parties endeavor to do each other all the harm they can." Tried by this standard, are the conspirators making war on the United States?

What, sir, could men or devils do that they have not done, are now doing, or attempting, to subvert this free Government, and lay it in ruins! To carry this fiendish purpose into effect at the point of the bayonet, they have taken up arms, organized a military despotism in a large portion of our territory, robbed loyal men of their property, and thrown them into prisons, captured or burned your commerce on the seas, marched armies for the subjugation of States, and now be-

leaguer your national capital. Does not the honorable Senator see in all this the "grim visage and stern look of war?"

True, we are not, have not been making war; but we are waging war already begun and forced upon the Government. In its designs, plans, and appointments, it is inveterate, and vengeful, and exhibits war as seldom sung or painted:

"The death shot hissing from afar,
The shock, the shout, the groan of war."

"A dark, a desperate game
Where lives and limbs and hearts and souls of men
Are staked for knaves."

Not war! Then what shall we write upon the tombstones of Ellsworth, Winthrop, Lyon, Baker, Lander, and scores of brave hearts that have perished in battle! Sir, how do such statements mock our grief for the patriot dead!

It is an "effort," says the honorable Senator, "on the part of the Federal Government to suppress insurrection and put down rebellion;" and what, pray, is an "effort" with the sword between two great armies drawn from all parts of the contending sections, but war? Is insurrection, breaking into armed rebellion and involving half a continent, anything less than a state of hostilities? The shock of "the effort" has sundered the honorable Senator's State, and its violence made her soil crimson with the blood of her children, and yet we are told that, "constitutionally speaking, this is not war in which we are engaged." The effort, on their part, is for the utter subversion of the Government—an effort of invasion for a moiety of the national domain and for the establishment, within our limits, of an independent government upon principles inimical to American liberty—an effort characterized by rapine, robbery on land, and piracy on sea, and displaying the most deadly hostility to social forms and national interests.

There seems, sir, some fatal delusion by which minds, keen in other respects, are blinded to the deep-seated malignity of this great insurrection. The forecast of Jackson, Adams, Benton, had enabled them to see the gathering storm, and to warn their countrymen of its approach. Its distant mutterings were heard in 1833 in South Carolina. It had clouded the extreme southern horizon in 1850, threatening sudden disaster. In 1860 it had covered the entire southern sky, and the pregnant tempest was soon to burst upon the nation "with laden rain and iron hail," awakening the people to a sense of their danger, and to a full realization of what had been predicted. Still there are those who doubt as to our real condition—much more as to our duties, and whether, if we are actually involved in a *hostile contest at arms*, it is not possible so to conduct it as not to injure the enemy. The

great English historian has well said that a languid conduct of war is *cruelty* to all parties.

Assuming now the state of the nation to be that of general internal hostility; and that, being so involved, it possesses the power of self-defense, it is still important to inquire in what department of the Government this authority is lodged. Happily this is no longer an open question. The supreme power of making and conducting war is expressly placed in *Congress* by the Constitution. "The whole powers of war," says the Supreme Court of the United States, in *Brown vs. The United States*, (1 Cranch,) "are vested in Congress." Surely all will agree there is no such power in the judiciary, and the Executive is *simply* "Commander-in-Chief of the Army and Navy;" all other powers and duties, not necessarily implied in the command of the military and naval forces, are expressly given to Congress. Congress *declares* war; grants letters of marque and reprisal; makes rules for captures on land and water; raises and supports armies; provides and maintains a navy; makes rules for the government of land and naval forces; provides for organizing, arming, and disciplining the militia, and for governing them in actual service; and is thus invested, in the language of the court, "*with the whole powers of war.*"

In the contingency of actual hostilities the nation assumes a new and extraordinary character, involving new relations and conferring new rights, imposing extraordinary obligations on the citizens, and subjecting them to extraordinary penalties.

There is then, sir, no limit on the power of Congress; but it is invested with the absolute powers of war—the civil functions of the Government are, for the time being, in abeyance when in conflict, and all State and national authority subordinated to the extreme authority of Congress, as the supreme power in the peril of external or internal hostilities. The ordinary provisions of the Constitution, peculiar to a state of peace, and all laws and municipal regulations must yield to the force of martial law, as resolved by Congress.

Now, sir, upon principles of public law, what are some of the rights of nations in a state of hostilities?

In war, says Grotius :

"We have a right to deprive the enemy of his possessions—of anything which may augment his strength, and enable him to make war. Whenever we have an opportunity, we seize our enemy's property and convert it to our own use, and thus *diminish* his power and *augment* our own, and obtain at least a partial indemnification for what constitutes the subject of the war, or for expenses, or losses incurred in its prosecution—in a word, we do ourselves justice."

In the language of Professor Martin :

"The conqueror has a right to *seize* on the property of the enemy, whether *moveable* or *immoveable*. This may be done: 1. In order to obtain what may be demanded to be due. 2. To force the enemy to an equitable peace. 3. To defray the expenses of the war. 4. To deter him, or by reducing his strength, to hinder him, from *repeating* in future the injuries which have been the cause of the war. And with this object in view, a Power at war has a right to destroy the possessions and property of the enemy for the express purpose of doing him mischief."

Says the Supreme Court :

"War gives the full right to take the persons and confiscate the property of the enemy wherever found." "It may be considered as the opinion of all who have written on the *jus belli*, that war gives the right to confiscate."

In the case of *The Rapid*, which was the case of the forfeiture of the property of a citizen, the court said :

"This is the first case since the organization of the Government in which this court has been called upon to assert the rights of war against the property of the citizen. It is with extreme hesitation, and under a deep sense of solemnity of the duty we are now called upon to discharge, that we proceed to adjudge the forfeiture of private rights upon principles of public law highly penal in their nature, and unfortunately too little understood."

"But a new state of things has occurred, a new character has been assumed by this nation, which involves it in new relations and confers on it new rights, which imposes a new class of obligations on our citizens and subjects them to new penalties."—8 *Cranch*, p. 64.

We have now assumed that new character :

"The nature and consequences of a state of war must direct us to the conclusions which we are to form in this case. In a state of war nation is known to nation only by their armed exterior, each threatening the other with conquest or annihilation."

The court held that the power of Congress under that provision of the Constitution which authorizes it "to make rules concerning captures on land and water," to be an *unrestricted power*.

Thus, sir, we have seen that Congress is invested with the whole power of war, and that confiscation of the enemy's property is one of its powers.

Confiscation, sir, is the fate of the property of the belligerent—the penalty of war—and there can be no fair pretense that these principles do not apply in the case of a domestic enemy. They are the ordinary dictates of justice to those who not only wantonly involve the country in the miseries of civil war, but who rob the loyal citizen of his property as a penalty for his loyalty.

Condemnation of the estate of the domestic enemy of the nation is the current judgment of the civilized world. Nay, more; it is the judgment of the nation against any man who revolts. Every circumstance of this rebellion—its purpose, plan, conduct—demand that the nation should enter up this judgment against the conspirators, if its authority is to be respected in the future. The protection and indemnity of the loyal citizen robbed of his property require that this judgment

should be enforced. The popular sentiment of the nation is for it; that of the civilized nations of the earth will approve it.

And, sir, necessarily connected with the question of the confiscation of the property of the rebel, is that affecting his right to control his slave. That principle or policy which dispossesses the rebel of his property, would seem to deprive him of his slave. If it be allowable to take his property to "compel a peace," "to deter him, or by reducing his strength to hinder him, from repeating in the future the injuries which have been the cause of the war," why not his slave which is not less his support and incentive to rebellion, and which is, indeed, in this case, the *casus belli*?

Sir, the well defined notions of mankind in relation to persons and property, in peace or war, seem wholly to fail to guide us when the shadow of the sable African falls upon us. He is the riddle we cannot tell; the nondescript we constantly fail to comprehend; the visible outline of man with the invisible quality of property, mysteriously united, that confounds us; the grim idol of an idolatry that shocks while it enchants and infatuates.

Plainly, that judgment which condemns the person and property of the rebel, necessarily absolves the allegiance of his slave.

The right to deal with the rebel, and the necessity of his overthrow, is urgent, and yet we constantly stumble on the methods of action.

There is a class of persons, here and everywhere, who, while they entertain no doubt of our power, and the expediency of its exercise, to confiscate the property of rebels, still deprecate all interference with their slaves. They constantly raise imaginary distinctions, putting slave property on grounds high above other rights of property, which should exempt it from the casualties common to all municipal rights. It is supposed to possess a constitutional immunity wholly unknown to and above all other rights of property. The honorable Senator from Virginia seems to participate in these notions, to regard the "institution" as possessing a sanctity akin to that which attaches to the Constitution—its *existence* essentially the bond of union between the States, and which was carefully protected by the framers of the Constitution. "That a war for the liberation of slaves would be a war for the overthrow of the Constitution;" "an inhuman and unholy crusade against American constitutional liberty." "That the troubles that now stare us in the face are chargeable, not upon slavery, but upon an unwarrantable agitation of the subject."

Now, sir, the plain import of all this impassioned phrase is, that the existence of the institution is indissolubly bound up with the Constitution, and so an element of the essential life

of the nation. That the institution and the Constitution must stand or fall, survive or perish, together. That slavery is not the guilty cause of our troubles, and that to destroy it would be to destroy the Constitution of the country.

Sir, in this view of the subject, the memorable words "liberty and Union, one and inseparable, now and forever," were an unmeaning figure of speech, when uttered by the great expounder of the Constitution in view of national perils; and they are *delusive* now when pronounced from the lips of the illustrious patriot Senator from Tennessee, himself involved in all the miseries of civil war. The rendering should have been, and should now be, "slavery and Union, one and inseparable, now and forever."

Sir, I do not care, at this time, to attempt the refutation of this oft-asserted and as oft-refuted political heresy; nor do I stop to take issue with the honorable Senator whether slavery is the real or the predisposing cause of the rebellion. Sufficient that it is the ostensible cause, and the one assigned by the conspirators themselves. Neither do I accept issue upon the immaterial question whether "war for the liberation of the slaves would be a war for the overthrow of the Union"—immaterial because no such question arises on the record, and is wholly foreign to the facts involved in the national controversy.

There can be no fair pretense for saying that the Government has made war, or prosecuted war, for "the liberation of slaves," or that it has made war at all; it has, at most, waged war already begun upon it. The *manner* of conducting war thus begun upon it is the Government's high prerogative, and is not to be questioned by those who assail it and stand in the relation of its domestic enemies. Let those who take the sword abide its stern arbitrament. But, sir, if slavery makes war on the nation for any purpose, I maintain the right of the Government, *under the Constitution*, to defend itself, and in doing so "to liberate the slaves" of rebels; and that whenever and howsoever the question arises between the "existence of the institution" and the Constitution—slavery and the Union—the former must go to the wall, *must perish*, if necessary to preserve the latter; and that this may be done *in the name and in the behalf* of "American constitutional liberty."

The Government has inaugurated no war on slavery; but, sir, it has raised the great battle-axe of war on rebellion, and on whatever is inseparably connected with rebellion—its guilty cause and support. Let no man plead to avert the penalties awarded to those who wantonly take the sword against the life of the nation. The *right* of slavery to "exemption from interference within its locality" is lost in its au-

dacious revolt and armed assault on the Government; its cry "to be let alone" amid the cannonading of Sumter, is a shallow pretense to conceal a wicked purpose.

Sir, that "the institution" is inseparable from "American constitutional liberty" and the Union formed by the founders of the Government, I deny with all the emphasis of my being! This is the great delusion of the times—"the direful spring" of all our political woes. No greater fallacy was ever asserted than this attempt thus to link "the institution" and the Constitution indissolubly together, to engraft the former upon the latter, to make slavery the corner-stone of the nation, to be guarded and protected by the Government.

In a national sense "the institution" has no legal basis whatever. Its aspirations for national recognition and protection are as foreign to the purposes and principles of the Government of our fathers, under the Constitution, as would be a pretension for recognition of the system of apprenticeship, or any other purely local usage, good or bad. It rests, like all other local rights, on the municipal law or usage, and will, of course, be left to the control of the local authority so long as it does the nation no harm, and threatens none. I freely concede its right to be exempt from interference by the nation—to deal with it is clearly beyond the ordinary powers of Congress; but when it revolts, brings on war, public disorder, menaces the life of the nation, it then subjects itself to the rules of war, and to the penalties of war, at the hands of the Federal Government.

Sir, the questions that divide us are not so much questions of power as what the safety of the nation demands. And here we shall all agree, that whatever faction or class, interest or institution, raises itself against the Government, must pay the penalty for its temerity by being itself overthrown. And wherefore this rebellion? Let the history of American politics in the last quarter of a century answer. The constantly increasing sentiment favorable to slavery in the South, the demand for acquisition of territory, for change of national policy, for "expansion," for "equality," for "protection," settled hostility to free institutions, intolerance of opinions once current and common to the whole country, and at length open assault upon the early measures of the Government, and final demand for intervention in favor of the "institution." These show why war is levied on a Government against which no man at any time has rightfully uttered a complaint.

We must deal with events as we find them presented to us. The nation's necessity is to put down whatever disturbs its repose, is hostile to its peace, menaces its existence. The slaveholders have taken up arms against the Government. Their property and their slaves are their stay and support,

their *means* of carrying on the war. They have forced upon the Government the dread alternative of war or submission to dismemberment and subversion. To avert a disaster so terrible as the overthrow of free government, the calamities of civil war, even, are welcomed by the nation. More than half a million of free men, with no other purpose than defense of that Government, have accepted arms, and are now encountering the perils and hardships of war. They have stood guard for long, long months behind a line dividing loyal and disloyal States, to protect the Federal authority, and preserve the national capital, their numbers diminishing daily by disease, the covert attacks and stealthy shot of the enemy, while south of that line have been exhibited the revolting scenes of vengeful war. And now, sir, when we are forced to contemplate an advance into the enemy's country, our great solicitude seems to be how we can best do so with least possible injury to the foe; and whether, indeed, it is "constitutional" to advance at all, if thereby the institution of slavery is to be endangered.

Those who have placed themselves in the condition, and who maintain the purposes of enemies to this Government, have no rights of property or person which should restrain the nation in the advance of its armies! The laws of battle they have invoked, the precious interests they have imperiled, the great necessity they have forced upon us, justify and urge the advance for their overthrow, the seizure and condemnation of their property; and here, it is said, you must pause; you may not annul the right to control the slave, the cause and strength of the war.

Sir, higher responsibilities were never imposed on any nation than are now devolved upon the American people. Not before was so much staked upon a single issue—the experiment of free institutions, the capacity of man to govern himself. A malignant aristocracy, privileged and tolerated, although alien to the principles of the Government, at length seeks to supplant democracy. Jefferson Davis is founding an empire within our limits, and desires "to be let alone." Stephens is laying broad and deep the foundations of a government of which slavery is to be the chief corner-stone, and "wants to be let alone."

Mr. Speaker Boccock proclaims a constitution founded on a "different philosophy" from that of our fathers, and "wants to be let alone." Secession is breaking up a great nation, and desires "to be let alone." Slaveholders are founding a despotism in the heart of the Republic, and demand "to be let alone." The enemies of free government everywhere are holding high carnival, and if we do not join in, we are expected not by our violence or indiscretions to disturb the festivities

of the occasion. We are admonished by all the malcontents in Christendom that we are endangering our Christian character by our obstinate refusal to be ruined; that "the whole doctrine of coercion" of such as neglect their duty to Government, is barbarous and inhuman, and that "*conciliation*" is truly the great *function* of Government; that national *resistance* to armed conspirators, and *measures* of self-preservation against organized rebellion, are cruel *usurpations*!

Sir, what we are witnessing and encountering is the old struggle of a class for power and privilege which has so often convulsed the world, repeating itself in our history. A class identified with a local and exceptional institution, grown powerful through political representation, demands to govern. It has its origin in the idea and mixed motives of a southern commercial center, and of the social and political supremacy of a class through the servitude of a race.

To this end they have conspired, have persistently inculcated the malignant heresy of secession, and at length forced the fatal issue upon the nation through the action of the States, in total disregard of the will of the people. Sir, to those who have incited sedition and planned rebellion, let the penalties of their great crimes be awarded!

To the people, deceived and misled, upon return to allegiance, give the assurance of amnesty, protection, and the privileges of free institutions, free schools, *homesteads*, even-handed justice, and equality of political rights; privileges that ennoble and elevate the masses into the dignity of a sovereign people, and give to popular government a secure support.

Sir, it would be a libel on human nature to suppose that the great body of the people of the South enter with alacrity into the purposes of the conspirators to overthrow this popular government, and to found a government on slavery. I would therefore discriminate in their favor, and seek to establish in those States a *commonalty*, with the privileges and immunities which make the people truly sovereign, in the place of an odious aristocracy, who, having betrayed, are no further entitled to the protection of the Government.

Sir, in this great national drama there are many interests and persons represented, domestic and foreign. Enacted here, in the freest and most prosperous nation of the earth, and on a scale of unequalled grandeur, it will not fail to stir the pulse of the people and convulse the governments of all Europe.

The cast of the tragedy will naturally move the people of the Old World with lively emotions of sympathy for a Government that from the beginning, by its lofty declaration in

favor of human rights, had inspired them with hope, while it will arouse the passions and excite the prejudices of classes and factions always inimical to our great example and experiment.

In this great trial the *people* of old England, from whom we are descended, will, I am sure, prove now, as always heretofore, our friends; the Government, whose tyranny drove our fathers hither, as always heretofore, so now our enemy, and that upon principles so natural as that it should surprise nobody. The English *people* and the Anglo-Americans are in favor of *free government* everywhere; not so with the "*governing classes*," so called.

If, in the providence of Heaven, external elements are to "*intervene*" in this domestic strife, it may serve to prolong and intensify the struggle; it will not render doubtful the issue.

The patriot *endeavor* and religious duty of the nation, is to maintain the American experiment of popular government as a power on this continent, in harmony with the purposes of the patriots who planned and set that Government in motion, in spite of foes, foreign and domestic. To maintain this purpose and conduct this issue to a prosperous termination, the people are fully committed, and will not turn aside or falter, though their foes multiply and gather until the enemies of popular rights are everywhere combined against them.

Sir, this purpose of the American people is in harmony with the civilization of the age—the holiest aspirations of the ages—with that truth and justice whose reign is eternal.

80

LIBRARY OF CONGRESS



0 013 701 755 6

